

CIVIL CASE NO. 1:10cv168

Defendant.

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Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties have moved for reversal of the decision of the Defendant and remand for further administrative proceedings.

Specifically, the parties ask that the matter be remanded and that upon such remand that the Appeals Council further remand the case to an Administrative Law Judge (“ALJ”) for a new hearing at which Plaintiff will be able to testify and present evidence. The Appeals Council shall instruct the ALJ to further evaluate the opinion of Ms. Price, give further consideration to the claimant's credibility, give further consideration to the claimant’s RFC, and to obtain supplemental vocational evidence. Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the parties' Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 11] is hereby **GRANTED**; and

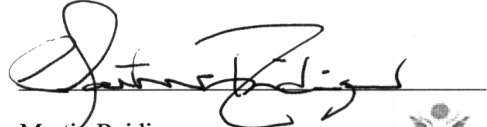
IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Appeals Council shall remand the case to an Administrative Law Judge (“ALJ”) for a new hearing at which Plaintiff will be able to testify and present evidence, that the Appeals Council instruct the ALJ to further evaluate the opinion of Ms. Price, give further consideration to the claimant's credibility, give further

consideration to the claimant's RFC, and to obtain supplemental vocational evidence.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: March 9, 2011



Martin Reidinger
United States District Judge

